

REMARKS/ARGUMENTS

Examiner's first rejection:

The Examiner has rejected claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Hawkins (US 729,338). The applicant disagrees with this rejection, as noted below.

Although Hawkins may appear similar to the present invention, Hawkins as disclosed in its figures is non-functional. Due to the configuration between the handle, the brush head, and the rubber blade, an individual would have to hold the handle/brush head combination in a downward fashion to have the blade function in the manner suggested in this prior art patent. An individual would literally have to be 8 to 10 feet in the air to get this angle. Only in this position would the rubber blade work as suggested in the Hawkins prior art reference. Therefore, the applicant propounds that this prior art reference is not functional and therefore, it is not properly used as prior art.

Examiner's second rejection:

The Examiner has rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Hawkins (US 729,338) in lieu of Lambert (US 5,987,685). The applicant disagrees with this rejection, as noted below.

Although Hawkins may appear similar to the present invention, Hawkins as disclosed in its figures is non-functional. Due to the configuration between the handle, the brush head, and the rubber blade, an individual would have to hold the handle/brush head combination in a downward fashion to have the blade function in the manner suggested in this prior art patent. An individual would literally have to be 8 to 10 feet in the air to get this angle. Only in this position

would the rubber blade work as suggested in the Hawkins prior art reference. Therefore, the applicant propounds that this prior art reference is not functional and therefore, it is not properly used as prior art.

Furthermore, in Lambert, the diagrams also suggest that the proper placement of the rubber blade is on the “bottom surface” of the brush head, not the top. This is said in full consideration of the fact that the brush head in Lambert appears to be rounded and not box-shaped. However, the location of the rubber blade in the Lambert prior art application is opposite that of the pole attachment location and not near it, as it is in the present invention.

The applicant believes that given these differences, it would not be obvious to combine these two prior art references to arrive at this basis for rejection. Therefore, applicant believes he has successfully traversed this basis for rejection.

Examiner’s third rejection:

The Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Hawkins (US 729,338) in lieu of Lambert (US 5,987,685), and also in lieu of Zimmerman (US 4,375,115). The applicant disagrees with this rejection, as noted below.

Claim 2 is directly or indirectly derivative of claim 1. As a claim that is derivative of a claim that is believed to be in condition for allowance, claim 2 also is in condition for allowance due to the fact that it contains all limitations inherent in the base claim. Therefore, applicant believes he has traversed this rejection as well for claim 2.

Examiner's fourth rejection:

The Examiner has rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Hawkins (US 729,338) in lieu of Lambert (US 5,987,685), and also in lieu of Peck et al. (US 2,722,705). The applicant disagrees with this rejection, as noted below.

Claim 3 is directly or indirectly derivative of claim 1. As a claim that is derivative of a claim that is believed to be in condition for allowance, claim 3 also is in condition for allowance due to the fact that it contains all limitations inherent in the base claim. Therefore, applicant believes he has traversed this rejection as well for claim 3.

Examiner's fifth rejection:

The Examiner has rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Gasper (US 2,335,503) in lieu of Lambert (US 5,987,685). The applicant disagrees with this rejection, as noted below.

Although Gasper may appear similar to the present invention, Gasper as disclosed in its figures is non-functional. Due to the configuration between the handle, the brush head, and the rubber blade, an individual would have to hold the handle/brush head combination in a downward fashion to have the blade function in the manner suggested in this prior art patent. An individual would literally have to be 8 to 10 feet in the air to get this angle. Only in this position would the rubber blade work as suggested in the Hawkins prior art reference. Therefore, the applicant propounds that this prior art reference is not functional and therefore, it is not properly used as prior art.

Furthermore, in Lambert, the diagrams also suggest that the proper placement of the rubber blade is on the "bottom surface" of the brush head, not the top. This is said in full

consideration of the fact that the brush head in Lambert appears to be rounded and not box-shaped. However, the location of the rubber blade in the Lambert prior art application is opposite that of the pole attachment location and not near it, as it is in the present invention.

The applicant believes that given these differences, it would not be obvious to combine these two prior art references to arrive at this basis for rejection. Therefore, applicant believes he has successfully traversed this basis for rejection.

Examiner's sixth rejection:

The Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Gasper (US 2,335,503) in lieu of Lambert (US 5,987,685), and also in lieu of Zimmerman (US 4,375,115). The applicant disagrees with this rejection, as noted below.

Claim 2 is directly or indirectly derivative of claim 1. As a claim that is derivative of a claim that is believed to be in condition for allowance, claim 2 also is in condition for allowance due to the fact that it contains all limitations inherent in the base claim. Therefore, applicant believes he has traversed this rejection as well for claim 2.

Examiner's seventh rejection:

The Examiner has rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Gasper (US 2,335,503) in lieu of Lambert (US 5,987,685), and also in lieu of Peck et al. (US 2,722,705). The applicant disagrees with this rejection, as noted below.

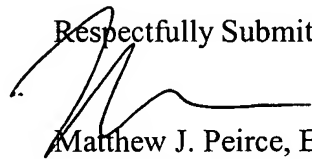
Claim 3 is directly or indirectly derivative of claim 1. As a claim that is derivative of a claim that is believed to be in condition for allowance, claim 3 also is in condition for allowance

due to the fact that it contains all limitations inherent in the base claim. Therefore, applicant believes he has traversed this rejection as well for claim 3.

CONCLUSION

For all of the above-described reasons, applicant submits that the specifications and claims are now in proper form, and that the claims define patentability over the prior art. In addition, applicant believes that his arguments in the "Remarks" section successfully traverses the objections and rejections brought forth by the Examiner in the Office Action. Therefore, the applicant respectfully submits that this application is now in condition for allowance, which action he respectfully solicits. If the Examiner feels that some of the dependent claims are allowable, the Applicant asks the Examiner to allow the Applicant to make any amendments to the allowed claims to incorporate all the limitations of the base claim and any intervening claims.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matthew J. Peirce', is written over the typed name.

Matthew J. Peirce, Esq.
Registration No. #41,245
Attorney for Inventor Emil Rudd